

REMARKS

In the Office Action, Claims 1, 2, 122 and 123 were provisionally rejected based on a judicially created doctrine of nonstatutory obviousness-type double patenting ("ODP") as being unpatentable over Claims 1 and 2 of co-pending U.S. Patent application 10/933,583; and Claims 1-7 and 109-141 were rejected under 35 U.S.C. §102(b) as being unpatentable by U.S. Patent No. 6,400,996 to Hoffberg et al.

Also in the Office Action, the drawings were objected to "as failing to comply with 37 CFR 1.84(p)(5) because they include [...] reference character(s) not mentioned in the description: #314 in figure 3 and #434 in figure 4, #520 in figure 5." (Office Action, page 2.) In addition, the Office Action indicated that there "are more errors in the drawings that are to [sic] numerous to mention [...] referring to the updated specification mailed 01/24/2005."

In response to the objection to the drawings, enclosed is a *Submission of Replacement Formal Drawing Sheets* that provides replacement figures of better quality for all drawing sheets. In accordance with the prior Preliminary Amendment to the specification, Figures 10, 11A-C, 18A-C, 19-23, 24A-B and 25-28 have been deleted. The remaining figures have been consecutively renumbered to correspond to the numbering in the prior Preliminary Amendment to the specification. In addition, Figure 2 has been amended to change "user interface" to "interface unit" in item 204, Figures 3, 4 and 5A have been amended to make the changes requested by the Examiner, Figure 6A has been amended to remove item 610, which was also removed in the prior Preliminary Amendment.

In regard to the ODP rejection of Claims 1 and 2, a Terminal Disclaimer is enclosed to overcome the ODP rejection.

In regard to the anticipation rejection of Claims 1-7 and 109-141 in view of Hoffberg et al., it is respectfully submitted that the rejection must be withdrawn for at least the following reasons.

Claims 1 and 122, which are the pending independent claims, each recite *proactively altering at least one function of said interface unit according to said*

detected pattern. In regard to this recitation, the Office Action cited at page 5, Fig. 15 and Col. 85, lines 5-67 of Claims 1-7 and 109-141 in view of Hoffberg et al.

Fig. 15 of Hoffberg et al. "is a flow diagram of a predictive user interface." (Col. 83, line 14, of Hoffberg et al.) However, nowhere in Fig. 15 is a proactive altering ... according to a detected pattern disclosed. The cited Col. 85, lines 5-67, of Hoffberg et al. also fails to disclose such recitation. To the contrary, the cited portions of Hoffberg et al. teaches providing "[f]requently used choices for program selections [...] to reduce the number of programming steps." (Col. 85, lines 18-20, of Hoffberg et al.) Providing frequently used choices of program selections fails to disclose the proactive altering of at least one function of said interface unit according to said detected pattern, as claimed in the present invention. Therefore, Hoffberg et al. fails to disclose each and every recitation of the claimed invention, and the anticipation rejection must be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 1-7 and 109-141, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, it is requested that the Examiner contact Applicants' attorney at the number given below.

Respectfully submitted,



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Enclosures: PTO/SB/25: Terminal Disclaimer
Submission of Replacement Formal Drawing Sheets